

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

CHARLES C. RAMSEY, #297908,

Petitioner,

v.

CIVIL ACTION NO. 2:24cv311

NELSON SMITH, Commissioner,
Virginia Department of
Behavioral Health and
Development Services,

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254 submitted by pro se Petitioner Charles C. Ramsey ("Ramsey" or "Petitioner"). Ramsey challenges his involuntary civil commitment as a sexually violent predator under Virginia Code §37.2-900.

The matter was referred to a United States Magistrate Judge for Report and Recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Magistrate Judge's Report and Recommendation, filed January 2, 2025, recommends the court grant Respondent's Motion to Dismiss and that Ramsey's petition be denied and his claims dismissed with prejudice for being time-barred, as he has not presented sufficient evidence to allow the court to consider his

late filing. The Report and Recommendation advised each party of their right to object and the time limit for doing so. The court received Ramsey's objections to the Report and Recommendation, however, the filing failed to establish grounds for equitable tolling or a plausible claim of actual innocence. The Respondent did not file any response to the Objections and the time for responding has now expired.

Accordingly, after de novo review of the matters objected to, the court does hereby accept and adopt the findings and recommendations set forth in the Report and Recommendation filed January 2, 2025, and it is therefore ORDERED that Respondent's Motion to Dismiss (ECF No. 10) is GRANTED, and that Ramsey's petition (ECF No. 1) is DENIED and DISMISSED WITH PREJUDICE.

Finding that the basis for dismissal of Petitioner's § 2254 petition is not debatable, and alternatively finding that Petitioner has not made a "substantial showing of the denial of a constitutional right," a certificate of appealability is **DENIED**. 28 U.S.C. § 2253(c); see Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a); Miller-El v. Cockrell, 537 U.S. 322, 335-38 (2003); Slack v. McDaniel, 529 U.S. 473, 483-85 (2000).

Petitioner is **ADVISED** that because a certificate of appealability is denied by this Court, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. Rule App. Proc. 22(b); Rules Gov. § 2254 Cases in U.S. Dist.

Cts. 11(a). If Petitioner intends to seek a certificate of appealability from the Fourth Circuit, he must do so within thirty (30) days from the date of this Order. Petitioner may seek such a certificate by filing a written notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.

The Clerk is directed to mail a copy of this Final Order to Petitioner and to provide an electronic copy of the Final Order to counsel of record for Respondent.

/s/ REB
REBECCA BEACH SMITH,
SENIOR UNITED STATES DISTRICT JUDGE

February 11, 2025